

REMARKS

In the present Office Action, claims 1-29 were examined; claims 1-8, 21, 25, and 26-29 were rejected and claims 9-20 were allowed. In addition, the Specification was objected to. By way of this Amendment, claim 26 is amended. Applicants respectfully request reconsideration and further examination of the present patent application in view of Amendments and Remarks submitted herewith.

Objection to the Specification

In the November 2003 Office Action, the Examiner asserted that certain essential material was incorporated by reference from a foreign patent or application, or a printed publication. However, Applicants have thoroughly reviewed the Specification and are unable to identify any essential material incorporated by reference from a foreign patent or application, or a printed publication. Accordingly, Applicants respectfully request clarification of this rejection.

Rejection of the Claims

In the November 2003 Office Action, the Examiner rejected claims 1-8, 21 and 25 under 35 U.S.C. 112, second paragraph, for omitting an "essential element." Applicants hereby traverse this rejection as the claims as drafted define the metes and bounds of what the Applicants consider to be their invention. Specifically, the Examiner has suggested that these claims require the steps of "applying a magnetic field to the crude oil sample; applying a sequence of oscillating magnetic field pulses to the crude detecting [sic] magnetic resonance from the sample in the fluid channel." However, there is no requirement in the specification of the present patent application requiring: (1) the use of nuclear magnetic resonance or (2) that the sample be crude oil. See, for example:

"Samples are optionally monitored by an optical fluid analyzer (OFA) 14 and are retained for transportation to surface laboratories in multisample module 16." (page 7, lines 12-14)

"Alternatively, contamination in the fluid may be monitored by optical measurements of the fluid, as described, for example, in U.S. Patent No. 6,274,865 to Schroer and Mullins." (page 11, lines 24-26)

"There are a wide variety of measurements that can be used to monitor contamination, and another broad group of measurements that are useful in quantitatively analyzing fluid properties." (page 11, lines 1-3)

Accordingly, the proposed amendments are not necessary and would unduly limit the scope of the invention. Furthermore, the Examiner has not presented any indication as to why she believes that the proposed language is essential to practice the present invention.

Further, in the November 2003 Office Action, the Examiner rejected claims 1-8 under 35 U.S.C. 112, second paragraph, asserting that the terms 'contaminant' and 'contaminant sample' are an indefinite relative terms. Neither the terms 'contaminant' nor 'contaminant sample' appear in these claims. However, features (b) and (c) of claim 1 describe the extraction of fluid from the earth formation and the monitoring of an indication of contamination in the fluid. According to the Merriam-Webster Collegiate Dictionary 10th Edition, "contamination" is the noun form of "contaminate" which is defined as "to make unfit for use by the introduction of unwholesome or undesirable elements." Because the general subject matter of the present invention is the analysis of the formation fluid, one skilled in the art would recognize that the fluid is deemed "contaminated" if it is unfit for the analysis to be performed. See, for example, page 11 of the specification:

"When contamination is at a sufficiently low level, ... the full range
of quantitative measurements can be made"

Accordingly, Applicants believe that a person skilled in the art, when reading the application as a whole, would understand the invention as presently claimed.

The Examiner further rejected claims 26-29 under 35 U.S.C. 112, second paragraph, for omitting an "essential element." Applicants submit herewith amended claim 26 overcoming the Examiner's rejection of these claims.

Accordingly, Applicants submit the present invention as presently claimed is patentable and respectfully requests reconsideration and further consideration of the application. If the Examiner has any questions or believes that a discussion with Applicants' attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number provided below.

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